

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Civil Case No. 1:10-cv-00130-MR
[Criminal Case No. 1:08-cr-00086-MR-1]**

RICKY NELSON WALKER,)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER is before the Court on counsel's Withdrawal of Attorney Appearance [Doc. 16], which the Court construes as a motion to withdraw.

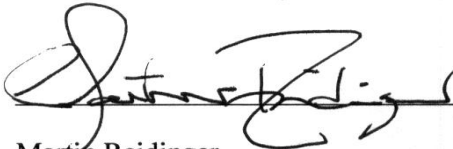
Pursuant to the Court's Administrative Order, No. 3:12-mc-00092, on October 18, 2012, Assistant Federal Defender Leah Kane made an appearance in this action for the limited purpose of examining the case and determining whether Petitioner may qualify for post-conviction relief pursuant to United States v. Simmons, 649 F.3d 237 (4th Cir. 2011) (en banc). [Doc. 15]. Ms. Kane now seeks to withdraw her notice of appearance. [Doc. 16].

In her motion to withdraw, Ms. Kane does not state that the determination has been made as to whether Petitioner may qualify for relief under Simmons. Accordingly, her motion to withdraw as counsel is denied without prejudice.

IT IS, THEREFORE, ORDERED that counsel's Withdrawal of Attorney Appearance [Doc. 16], which the Court construes as a motion to withdraw, is **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Signed: February 13, 2013


Martin Reidinger
United States District Judge

